

**REMARKS**

Claims 1-10, 20-26, and 30-33 are pending in the present application with claims 7-10, 25, 26, 32 and 33 withdrawn. With entry of this Amendment, Applicants amend claims 1, 3-5, 20-22, 30 and 31, cancel claims 2, 6, 23, 24 without prejudice and add new claims 34 and 35.

Reexamination and reconsideration are respectfully requested.

**Restriction Requirement**

In the Office Action, the Examiner made the restriction final to claims 1-6, 20-24, 30 and 31. The Examiner did not examine claims 7-10, which depend from claim 1, and claims 25, 26, 32 and 33, which depend from claim 22. The Examiner indicated that claims 1 and 22 were linking claims and, if allowed, any claims depending on claims 1 and 22 would be rejoined and fully reexamined.

Applicants respectfully disagree with the Examiner's reasoning for maintaining the restriction. Applicants believe that dependent claims 7 and 25, for example, cannot be characterized as B<sub>sp</sub> as the Examiner contends. The Examiner has also failed to show any search burden if the restriction were not required. (*See* MPEP 806.05(c) requiring reasons for "insisting upon the restriction, i.e., there would be a serious search burden".)

Nevertheless, in accordance with the finality of the restriction, Applicants hereby withdraw claims 7-10, 25, 26, 32 and 33 without prejudice. It is the Applicants' understanding that dependent claims 7-10, 25, 26, 32 and 33 will be rejoined and fully reexamined if claims 1 and 22 are allowed. With respect to the status of these dependent claims, Applicants respectfully understand that any amendments made in the previous responses have been entered, and Applicants respectfully request the right to make further amendments if rejoinder occurs.

**Rejection**

The Examiner rejected claims 1, 2, 6, 20-24, 30 and 31 under 35 U.S.C. § 102(e) as being anticipated by East (U.S. Patent No. 6,061,458). Applicants note with appreciation the indication of

allowable subject matter with respect to claims 3-5. Applicants respectfully traverse the rejection of claims 1, 2, 6, 20-24, 30 and 31. Each claim is addressed below.

### Claim 1

The present invention is directed to a digital mixing system. The mixing system includes a console section, an engine section and communication lines therebetween. Claim 1, which is directed to a digital mixing system, has been amended in several ways to better claim the invention. These amendments have not been made in view of the rejection as will be discussed below.

First, a panel display device has been added to the system of claim 1. The control device of the console section updates the contents displayed by the panel display device.

Second, the phrases “a first input terminal” and “a second input terminal” recited in claim 1 have also been amended to “a first connection terminal connectable to a first external device” and “a second connection terminal connectable to a second external device.”

Third, the control device of the console section generates a mixing control signal. This mixing control signal is for controlling the mixing process in the engine section. The control device of the console section generates the mixing control signal “in response to any of an operation of said panel operating elements, a first control signal input via said first connection terminal, and a second control signal input via said first communication interface” as recited in amended claim 1. This means that the control device in the console section can operate in response to three events: a panel operation, a first control signal and a second control signal. Support for each of these events is found throughout the specification and drawings.

#### A. Via panel operation

For example, with respect to the panel operation, page 31, beginning at line 12 of the specification explains that “[o]peration of selected one or more of a large number of panel buttons provided on the console section 1 causes a mixing control signal corresponding to this mixing

operation to be transmitted from the console section 1 and supplied to the engine section 2 via a communication line L1.”

B. Via first control signal

With respect to the first control signal, this is input from a first external device connectable to a connection terminal of the console section. For example, Fig. 1 shows console section 1 being connected to a MIDI sequencer 41, hard disk recorder (HDR) and computer 43. The specification of the present application explains that each of these devices can control the mixing process via its connection to the console section.

Page 32, beginning at line 35 of the specification, for example, describes that “when a program change message from the MIDI sequencer 41 is received via the control signal input terminal, a scene corresponding to a program number in the message is read out from a scene memory. Then, the console section 1 automatically performs a mixing operation corresponding to this scene.”

Page 33, beginning at line 14, for example, explains that “the console section 1 is supplied via a time code terminal thereof with a time code from a hard disk recorder (HDR) 42. The console section 1 can perform a mixing operation based on mixing data read from the HDR 42, synchronously with the time code. In this case, the mixing control data based on the mixing operation is transmitted to the engine section 2, which then executes a mixing process.”

Page 33, beginning at line 25, for example, describes that “the console section 1 is provided with a computer connection interface to which a computer 43 can be connected. The console section 1 can be remotely controlled by the computer 43 executing a mixing control program.”

C. Via second control signal

With respect to the second control signal, this is input through the communication interface of the console section. For example, Fig. 1 shows console section 1 being connected to engine

section 2 via communication lines L1 and L2. The second control signal can be input to the console section 1 from engine section 2 via communication line L1. The source of the second input signal can be an external device connected to engine section 2, such as MIDI sequencer 44, HDR 45 and computer 46 as illustrated in Fig. 1. For example, the specification at page 33, beginning at line 32 describes that “a MIDI signal from the MIDI sequencer 44 is transferred to the console section 1 via the communication line L1 as a control signal. Thus, when a program change message from the MIDI sequencer 44 is supplied via the control signal input terminal to the engine section 2, the console section 1 reads out a scene corresponding to a program number in the message from the scene memory. Then, the console section 1 performs a mixing operation corresponding to this scene.” (See also page 34, beginning at lines 20 and 33 relating to HDR 45 and computer 46 respectively.)

In this way, the mixing control signal provided by the console section 1 can be in response to a *first* control signal input to the console section 1 *or* a *second* control signal input to the engine section 2.

Applicants have made further amendments to claim 1 to clarify this second control signal. The engine section has a “second connection terminal connectable to a second external device.” The control device of the engine section not only controls the mixing process but “outputs the second control signal input via said section connection terminal to said second communication interface” of the engine section.

Applicants have further amended claim 1 to clarify that the second input signal from the engine section is transferred to the console section and then the console section generates a mixing control signal which is output back to the engine section. Amended claim 1 recites that the “second control signal is transferred from said second communication interface of said engine section to said first communication interface of said console section and the mixing control signal is transferred from said first communication interface of said console section to said second communication interface of said engine section.”

East discloses a console 10 comprising a front panel 12, processor 14 and interface 18. (*See* Fig. 1 and Col. 4, lines 36-41.). In rejecting claim 1, the Examiner contends the front panel 12 meets the console section recited in claim 1 and the processor 14 meets the engine section recited in claim 1. (*See* Office Action, pages 5 and 6.)

Claim 1 recites that a first control device in the console section generates a mixing control signal in response to any of an operation of the panel operating elements, a first control signal input and a second control signal input as discussed above.

The front panel 12 of East – which the Examiner contends meets the recited console section – does not generate a mixing control signal as recited in claim 1. As illustrated in Fig. 3 and discussed in Col. 7, lines 13-30, the “control panel 12 comprises a multiplexing arrangement 52 which is responsive to a scan controller 56 to individually sample all of the user operable controls on the control panel in sequence.” East then further explains that the “values sampled from the user input devices providing binary output signals such as the switches 32, 36, 62, 64 and 65 are passed directly via line 53 to the processor network 14 as time multiplexed signals.” In other words, the data from the scanned user operable controls or devices of panel 12 is directly supplied to the processor 14 without being processed in panel 12. Thus, panel 12 does not generate a mixing control signal as required by claim 1.

This conclusion is further supported by East’s description of the host unit 20 connected to processor 14. (*See* Fig. 1.) At Col. 5, lines 19-24, East describes the host unit 20 as loading the microcode to processor 14. The microcode provides for individual audio signal processing functions as described in Col. 5, lines 39-43. Thus, it appears that either host unit 20 or processor 14 is generating a mixing control signal – not panel 12.

In rejecting claim 1, the Examiner cited to Col. 5, lines 1-10. The cited section discloses in part that console 10 “is connected to other devices for the communication of audio and control data between the processor network and various input/output devices (not show) such as, for example, speakers, microphones, recording devices, musical instruments, etc.” East further discloses that

operation of the studio network can be controlled by the panel 12. The cited section indicates that other devices can provide audio and control data to console 10. While these devices may provide data to console 10, there is no disclosure or suggestion that panel 12 of console 10 generates a mixing control signal. Indeed, the cited section suggests that, once again, the data is delivered to the processor 14.

Applicants also note that East fails to disclose an engine section having a control device that can output "the second control signal input via said second connection terminal to said second communication interface" as recited in claim 1. The Examiner considered processor 14 as meeting the recited engine section and processing side 15 of processor 14 as meeting the recited control device in the engine section. (*See Fig. 3.*) However, there is no disclosure or suggestion that the processor side 15 outputs a control signal it receives. Col. 7, lines 30-34 indicates that the only signal outputted from processor 14 (which includes processor side 15) is a scan control signal generated by the processor 14 itself. That is, there is no disclosure or suggestion that processor 14 or processor side 15 can receive a control signal which in turn they output.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that claim 1 is not anticipated by East.

#### Claim 2

Applicants have canceled claim 2 without prejudice. Accordingly, Applicants respectfully submit that the rejection of claim 2 is now moot.

#### Claims 3-5

Applicants have amended claims 3-5 to depend from claim 1 instead of claim 2. Applicants have further amended claims 3-5 to better claim the invention and in view of the amendments to claim 1. For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claims 3-5 are not anticipated by East. Applicants note that claims 4 and 5, which relate to a when a fault occurs in a console section, were found to recite allowable subject matter.

Claim 6

Applicants have canceled claim 6 without prejudice. Accordingly, Applicants respectfully submit that the rejection of claim 6 is now moot.

Claims 20 and 21

Applicants have amended claims 20 and 21 to depend from claim 1. Applicants have further amended claims 20 and 21 to better claim the invention and in view of the amendments to claim 1. For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claims 20 and 21 are not anticipated by East.

Applicants also note that both claims recite “wherein at least part of the mixing signals are reproduced by at least one stage speaker arranged close to said engine section” and the monitor signal or signals are reproduced by at least one monitor speaker arranged close to said console section. The Examiner cited col. 3, lines 35-60 which describe that a particular instrument may be monitored by a studio monitor loudspeakers. There is nothing here to disclose or suggest the recited arrangement of a stage speaker arranged close to the engine section and a monitor speaker arranged close to a console section. In fact, as discussed above, East discloses a console 10 having a panel 12 and a processor 14. This suggests that the console is one piece and that the panel 12 – which the Examiner considers as meeting the recited console section – and the processor 14 – which the Examiner consider as meeting the engine section – are together. Accordingly, claims 20 and 21 are not anticipated by East for this reason as well.

Claim 22

Applicants have amended claim 22, directed to a digital mixing method, in a manner similar to claim 1. Accordingly, Applicants respectfully submit that claim 22 is not anticipated by East for at least the reasons set forth above with respect to claim 1.

Claims 30 and 31

Applicants have amended claims 30 and 31 to depend from claim 22. Applicants have further amended claims 30 and 31 to better claim the invention and in view of the amendments to claim 22. For at least the reasons set forth above with respect to claim 22, Applicants respectfully submit that claims 30 and 31 are not anticipated by East.

New claims 34 and 35

New claims 34 and 35 depend from claims 1 and 22 respectively. These claims recite that the second external device is a computer and that the computer generates and outputs the mixing control signal. This can arise when the communication lines L1 and L2 connecting the console and engine sections are disconnected and a mixing control signal generated by a control device in the console section cannot be delivered to the engine section for controlling the mixing processing device of the engine section. Support for the claims is found throughout the specification and drawings including, without limitation, the paragraphs beginning at page 55, line 35 and page 64, line 4. Applicants respectfully submit that these claims are in condition for allowance for at least the reasons discussed above.

In view of the above, Applicants respectfully submit that the restriction requirement is improper, and request that the Examiner withdraw the restriction requirement and further prosecute all of the pending claims.

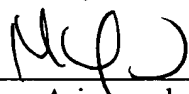
If it would further advance the prosecution of the present application, Applicants request the Examiner to contact the undersigned attorney **Mehran Arjomand** at **(213) 892-5630** to discuss any steps necessary to place the application in condition for allowance.



In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032029900.

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Respectfully submitted,

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